

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper No. ~~20~~ 25

Filed by: Trial Section Merits Panel  
Mail Stop Interference  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed  
May 2, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAX REY, STEFAN GLADOW  
Junior Party  
(U.S. Patent Application 09/380,835),

**FAXED**

**MAY 2 - 2003**

v.

WILLIAM P. JACKSON  
Senior Party,  
(U.S. Patent No. 6,093,827 and  
U.S. Application No. 09/525,894).

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Patent Interference No. **105,001** (MPT)

Before: SCHAFFER, SPIEGEL and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

**FINAL JUDGMENT**

**Part A. Conference call**

A conference call was held on April 30, 2003 at approximately 11:00 a.m. The  
conference call involved:

1. Michael P. Tierney, Administrative Patent Judge ("APJ").

2. Mark D. Lorusso, counsel for Rey.
3. Jeffrey S. Ward, lead counsel for Jackson.
4. Thomas J. Kowalski, lead counsel for Stampa.

**Part B. Relevant Discussion During Conference Call**

Junior Party Rey requested adverse judgment as to all claims corresponding to Count 1 (claims 22-31), the sole count in interference. (Paper Nos. 1 and 21). As Rey has requested adverse judgment as to the count and corresponding claims involved in the interference, judgment on priority is awarded against Rey.

Upon consideration of the record, it is:

**ORDERED** that judgment on priority as to Count 1 is awarded *against* Junior Party Rey.


**FURTHER ORDERED** that Junior Party Rey is not entitled to a patent containing claims 22-31, which correspond to Count 1.

**FURTHER ORDERED** that a copy of this final decision shall be placed and given a paper number in the file of Rey U.S. Application 09/380,835 and Jackson, U.S. Patent No. 6,093,827 and Jackson Application No. 09/525,894.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 C.F.R. § 1.661.

  
RICHARD E. SCHAFFER  
Administrative Patent Judge

*Carol A. Spiegel*  
CAROL A. SPIEGEL  
Administrative Patent Judge

  
MICHAEL P. TIERNEY  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

cc (via Fax):

Counsel for Rey:

Mark D. Lorusso, Esq.  
440 Commercial Street  
Boston, MA 02109

Tel: 603-427-0070  
Fax: 603-427-5530

Counsel for Jackson:

Jeffrey S. Ward, Esq.  
MICHAEL, BEST & FRIEDRICH, LLP  
One South Pinckney Street  
Suite 700  
Madison, WI 53703

Tel: 608-257-3501  
Fax: 608-283-2275

Counsel for Stampa:

Thomas J. Kowalski  
FROMMER LAWRENCE & HAUG, LLP  
745 Fifth Ave.  
New York, NY 10151

Tel: 212-588-0800  
Fax: 212-588-0500